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APPLICANT(S): ZIPPER, Eliav  
SERIAL NO.: 10/736,741  
FILED: December 17, 2003  
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### **REMARKS**

The present Response and Amendment is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance.

Applicant asserts that the present invention is new, non-obvious and useful. Applicant respectfully requests reconsideration of the above-identified application in view of the foregoing amendments and following remarks.

#### **Remarks to the Specification**

In the Office Action the Examiner objected to the Title as not descriptive. The Title has been amended herein. It is respectfully submitted that the amended Title is sufficiently descriptive, and Applicant requests that the objection to the Title be withdrawn.

In the Specification, voluntary changes were made in order to correct inadvertent typographical errors. It is respectfully asserted that none of the above listed changes add new matter. Approval is requested to the above listed changes.

#### **Status of Claims**

Claims 1-27 are pending in the application. Claims 1-3 have been withdrawn from consideration. Claims 4 and 8 have been amended. New dependent claim 27 has been added. No new matter has been added.

#### **Allowable Subject Matter**

In the Office Action, the Examiner stated that claims 17-26 were allowed. Applicant would like to thank the Examiner for allowing claims 17-26. Additionally, Applicant respectfully asserts that the remaining pending claims, namely claims 4-16 and 27, as amended, are also allowable in view of the remarks that follow.

#### **Claim Objections**

In the Office Action, the Examiner objected to claims 9-16 as being dependent upon a rejected base claim, namely, claim 8, but being allowable if rewritten in independent form. Independent claim 8 has been voluntarily amended in a way that adds context for the claim in

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the preamble as discussed below. It is respectfully submitted that amended claim 8 is patentable. It is further submitted that dependent claims 9-16, depending therefrom, are likewise patentable.

#### **Voluntary Amendments and New Claims**

Claims 4 and 8 have been voluntarily amended and new claim 27 has been added to more particularly point out and precisely claim embodiments of the disclosed invention. Applicant respectfully submits the amended claims and the new claim are supported by the specification as originally filed, and that no new matter has been added.

#### **The Telephone Interview**

Initially, Applicant thanks the Examiner, Blane Jackson, for extending the courtesy of a Telephone Interview on August 25, 2006, with Applicant's representatives; Caleb Pollack, Dekel Shiloh, and Daniela Heimlich. In the interview, previously presented independent claims 4 and 8 were discussed as well as patentable distinctions of the claims over the cited references of Korol (US Patent No. 7,009,447), Scheffler (US Publication No. 2003/0083030), and Hostetter (US Patent No. 4,866,395).

The Examiner indicated that independent claims 4 and 8 would be favorably reconsidered for allowance upon adding context in the preamble of the previously presented independent claims 4 and 8. In addition, Applicant's representatives argued that Korol describes an outphasing modulator with "combiners", illustrated in the drawings of Korol as signal summation devices that do not teach or fairly suggest the signal multiplication in an outphasing modulator as claimed in previously presented independent claim 4. The Examiner agreed that the method of "multiplying first phase shifted signal by a first amplitude modulation signal" previously presented in independent claim 4 may be patentably distinct from the Korol reference.

Furthermore, Applicant's representatives argued that Scheffler and Hostetter describe a demodulator and methods thereof, and do not teach or fairly suggest a method as claimed by previously presented independent claim 8. The Examiner agreed that adding context in the preamble of previously presented independent claim 8 as mentioned above to clarify "a

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modulation method" may render amended independent claim 8, patentably distinct from Scheffler and Hostetter, alone or in combination.

### CLAIM REJECTIONS

#### 35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected Claims 4-7 under 35 U.S.C. § 102(e), as being anticipated by Korol (US Patent No. 7,009,447).

Specifically, the Examiner cites Korol (figure 2, column 3, lines 5-47) as teaching a method comprising "multiplying a first phase shifted signal by a first amplitude modulation signal with a first scaling factor to produce a first phase shifted modulated signal."

Applicant respectfully traverses the rejection because, *inter alia*, Korol does not disclose all the elements of amended independent Claim 4. In particular, Applicant respectfully submits that the combiner (225 in figure 2) of Korol is clearly not "multiplying" as recited in currently amended independent Claim 4. The only indication of the function of combining in Korol is clearly an addition/summation operation as illustrated in the drawings of Korol.

The features of amended independent Claim 4 multiplying a first phase shifted signal by a first amplitude modulation signal with a scaling factor to produce a first phase shifted modulated signal. Additionally, the features of amended independent Claim 4 include multiplying a second phase shifted signal with a second amplitude modulation signal to produce a second phase shifted modulated signal; and generating "outphased modulated signals from said first phase shifted modulated signal and said second phase shifted modulated signal."

In contrast, Korol describes an outphasing modulator that "combines" a phase modulated signal with an amplitude modulated version of the phase modulated signal providing outphasing signals as an input to a power amplifier. Thus, the combiner of Korol and the multiplier of the present application do not produce the same output. It is respectfully submitted that Korol does not teach or fairly suggest a modulation method as claimed in currently amended independent Claim 4.

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Furthermore, it is respectfully submitted that none of the other references of record teach or suggest at least the above features of amended independent Claim 4, and that the features of this claim would not have been obvious to a person skilled in the art at the time the invention was made in view of the prior art references on record, specifically in view of Korol, alone or in combination with any other prior art references.

Rejected Claims 5-7 depend from amended claim 4 and include all the limitations of that claim as well as distinguishing features. Therefore, Applicant respectfully submits that Claims 5-7 are likewise patentable at least for the reasons discussed above with reference to amended independent Claim 4.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 4-7 under 35 U.S.C. § 102(e) as being anticipated by Korol.

#### 35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected Claim 8 under 35 U.S.C. § 103(a), as being unpatentable over Scheffler (US Publication No. 2003/0083030) in view of Hostetter (US Patent No. 4,866,395).

With regards to amended independent Claim 8, Applicant respectfully submits that neither Scheffler nor Hostetter, alone or in combination, teaches or suggests at least some of the features of this claim. Accordingly, it is respectfully submitted that a prima facie case of obviousness cannot be established regarding amended independent Claim 8, and therefore the rejection under 35 U.S.C. § 103 should be withdrawn.

Amended independent Claim 8 recites, in part, "a modulation method comprising: multiplying a phase modulated carrier signal by an amplitude modulated signal...; and phase splitting said amplitude modulated signal to generate phase shifted modulated signals".

There is no teaching or suggestion in Scheffler of a modulation method, as recited in amended independent Claim 8. The publication of Scheffler describes an RF communication receiver which includes a demodulator. Additionally, Hostetter does not teach or fairly suggest a modulation method. Hostetter describes receiving a phase modulated carrier signal and demodulating said carrier signal.

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It is respectfully submitted that neither Scheffler nor Hostetter, alone or in combination, teaches or fairly suggests a modulation method as claimed by amended independent Claim 8 of the present application. Accordingly it is respectfully submitted that a prima facie case of obviousness has not been established regarding amended independent Claim 8.

Objected to Claims 9-16 depend from amended Claim 8 and include all the limitations of that claim as well as distinguishing features. Therefore, Applicant respectfully submits that Claims 9-16 are likewise patentable at least for the reasons discussed above with reference to amended independent Claim 8.

Accordingly, it is respectfully requested that the rejection of independent Claim 8, under 35 U.S.C. § 103(a), as being unpatentable over Scheffler in view of Hostetter, and the objection of Claims 9-16 dependent thereon, be withdrawn.

#### New Claim 27

New Claim 27 depends from amended claim 4 and includes all the limitations of that claim as well as additional distinguishing features. Therefore, Applicant respectfully submits that Claim 27 is likewise patentable at least for the reasons discussed above with reference to amended independent claim 4.

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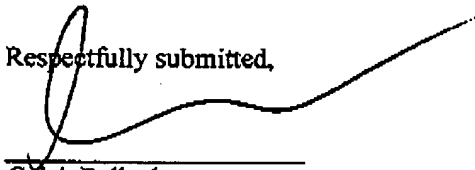
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**Conclusion**

In view of the foregoing amendments and remarks, Applicant submits that the pending claims distinguish over the prior art of record and are in condition for allowance. Favorable consideration and passage to issue are respectfully requested.

The Examiner is invited to telephone the undersigned counsel to discuss any further issues yet to be resolved in connection with this application. No fees are believed to be due in connection with this paper. However, if any such fees are due, please charge any fees to deposit account No. 50-3355.

Respectfully submitted,

  
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